

IN THE HIGH COURT OF GUJARAT AT AHMEDABAD

SPECIAL CIVIL APPLICATION No 9105 of 1992

For Approval and Signature:

Hon'ble MR.JUSTICE S.K.KESHOTE

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1. Whether Reporters of Local Papers may be allowed to see the judgements?
2. To be referred to the Reporter or not?
3. Whether Their Lordships wish to see the fair copy of the judgement?
4. Whether this case involves a substantial question of law as to the interpretation of the Constitution of India, 1950 of any Order made thereunder?
5. Whether it is to be circulated to the Civil Judge?

PATEL SHAILESHKUMAR MAFATLAL

Versus

STATE OF GUJARAT

Appearance:

MRS KETTY A MEHTA for Petitioner
MR DP JOSHI for Respondent No.1
MR KS JHAVERI for Respondent No.2 & 3
None present for other Respondent

CORAM : MR.JUSTICE S.K.KESHOTE

Date of decision: 13/10/97

ORAL JUDGMENT

Heard learned counsel for the parties.

2. The petitioner has been appointed as workshop attendant, a class IV post and equivalent to the post of Peon in the office of respondent No.3. His services came

to be terminated under the order annexure 'C' dated 2.12.92. He has approached this Court, and this Court has protected the petitioner and till date he is continuing to work in the office of respondent No.3.

3. The learned counsel for respondents No.2 and 3 made a statement before this Court that two posts of Peon are vacant at the institution and as per the Government Resolution in the case of surplus of any employee of the equal status from one section, he can be absorbed in another section. But it can be only done with prior approval of the Government. The learned counsel for respondents No.2 and 3 made further statement that respondents No.2 and 3 have already sent the papers regarding absorption of the petitioner on the vacant post of Peon, to the Government for its approval but the Government has not taken any final decision thereon.

4. So as per the statement of learned counsel for respondents No.2 and 3, the petitioner's services are to be absorbed on the post of Peon and the matter is pending before the Government for approval. The papers were sent to the Government on 26th June 1993 and it is really shocking that more than four years have already passed but nothing has been decided by respondent-State. In such matters, a decision has to be taken at the earliest and slackness on the part of the State even not to take a decision in such small matters deserves to be deprecated. However, the learned counsel for respondent-State fairly submitted that the Government will decide the matter within a reasonable time as granted by this Court.

5. In the result, this Special Civil Application is disposed of with direction to the respondent No.1 to decide the proposal of respondents No.2 and 3 sent on 26th March 1993, for absorption of the petitioner as Peon from the post of work shop attendant, the post on which his services have been terminated, within a period of three months from the date of receipt of certified copy of this order. Till the matter is decided by the State Government, interim relief which has been granted by this Court shall continue. In case the respondent No.1 declines to grant approval for absorption of the petitioner as Peon in the office of respondent No.3, a reasoned order may be passed and a copy of the same may be sent to the petitioner by registered post. In case of difficulty, liberty to the petitioner for revival of this Special Civil Application. The Special Civil Application and Rule stand disposed of in aforesaid terms with no order as to costs.

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(sunil)